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Attorneys for Plaintiff GrayMar Environmental Services, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

GRAYMAR ENVIRONMENTAL SERVICES,
INC., a Washington corporation,

Plaintiff,

v.

STEPHEN JAMES MCINNIS, an individual;
GRAYMAR ENVIRONMENTAL SERVICES,
INC., an Oregon corporation; GRAYMAR
ENVIRONMENTAL, INC., an Oregon
corporation; and RIVER CITY
ENVIRONMENTAL, INC., an Oregon
corporation,

Defendants.

Case No. 3:21-cv-00951

TEMPORARY RESTRAINING ORDER

This matter came before the Court on June 29, 2021 on Plaintiff GrayMar Environmental Services, Inc.'s ("Plaintiff") Application for Temporary Restraining Order (the "Application") [Dkt. 4]. The Court, having reviewed the Application, the Declarations of Michael S. Gray and Matthew R. Berry filed in support and exhibits thereto, the complaint and supporting materials, and otherwise being fully advised, now therefore, it is hereby:

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TEMPORARY RESTRAINING ORDER - 1

2217.001-01985415; 1

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ORDERED that Plaintiff's Application is GRANTED because: (1) Plaintiff is likely to succeed on the merits because it has a protectable interest in its name and logo acquired by first, continuous, and exclusive use of its name and logo with environmental goods and services rendered, and Defendants Stephen James McInnis', GrayMar Environmental Services, Inc.'s, GrayMar Environmental, Inc.'s, and River City Environmental, Inc.'s intentional use of Plaintiff's name and colorable imitations of Plaintiff's name and logo is intended to deceive the public and is likely to confuse a reasonably prudent consumer in the marketplace; (2) irreparable harm is presumed under 15 U.S.C. § 1116(a) and is otherwise present because Defendants Stephen James McInnis', GrayMar Environmental Services, Inc.'s, GrayMar Environmental, Inc.'s, and River City Environmental, Inc.'s conduct impairs Plaintiff's control over its business reputation and goodwill; (3) the balance of equities weighs in Plaintiff's favor because Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc. do not have an equitable interest in disseminating false advertisements in interstate commerce or imitating Plaintiff's name and logo in interstate commerce; and (4) a temporary restraining order is in the public interest because the public has an interest in receiving accurate information and avoiding confusion in the marketplace;

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TEMPORARY RESTRAINING ORDER - 2

2217.001-01985415; 1

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FURTHER ORDERED that the Court hereby restrains Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc., and their agents, employees, successors, and assigns from directly or indirectly using Plaintiff's name or name similar to GrayMar's name, including but not limited to all use of the names "GrayMar Environmental Services, Inc.," "GrayMar Environmental, Inc.," "GrayMar Environmental," "GrayMar Environmental Portland," "GrayMar USA," and "GrayMar," and any colorable imitation of Plaintiff's name on the internet, websites, social media accounts, and other means of advertising and marketing to the public;

FURTHER ORDERED that the Court hereby restrains Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc., and their agents, employees, successors, and assigns from directly or indirectly using Plaintiff's logo or logo similar to GrayMar's logo, including but not limited to all use of the logos depicted below and any colorable imitation of Plaintiff's logo on the internet, websites, social media accounts, and other means of advertising and marketing to the public:

Plaintiff's Logo:



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TEMPORARY RESTRAINING ORDER - 3

2217.001-01985415; 1

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Colorable Imitation:



FURTHER ORDERED that the Court hereby restrains Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc., and their agents, employees, successors, and assigns from directly or indirectly depicting Plaintiff's personnel and equipment, including but not limited to all use of depictions of GrayMar's personnel and equipment on the internet, websites, social media accounts, and other means of advertising and marketing to the public;

FURTHER ORDERED that Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc. shall immediately take down (or unpublish) the website www.graymarenvironmentalusa.com;

FURTHER ORDERED that Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc. take down (or disable) the Facebook profile for "GrayMarUSA" available at www.facebook.com/GrayMarUSA/;

FURTHER ORDERED that Defendants Stephen James McInnis, GrayMar Environmental Services, Inc., GrayMar Environmental, Inc., and River City Environmental, Inc. take down (or disable) the Instagram profile for "GrayMarUSA" available at www.instagram.com/graymarusa/; and

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TEMPORARY RESTRAINING ORDER - 4

2217.001-01985415; 1

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FURTHER ORDERED that this Order EXPIRES fourteen (14) days after entry unless extended for good cause or consent under Federal Rule of Civil Procedure 65(b)(2).

IT IS SO ORDERED.

DATED: 6/29/21



The Honorable Michael W. Mosman
Judge

SUBMITTED BY:

STEWART SOKOL & LARKIN LLC

By: s/ Matthew R. Berry

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Attorneys for Plaintiff

TEMPORARY RESTRAINING ORDER - 5

2217.001-01985415; 1

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